

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AIDAVEL LOZANO LAIGO,

Plaintiff,

v.

SOCIAL SECURITY
ADMINISTRATION,

Defendant.

CASE NO. C05-97JLR

ORDER

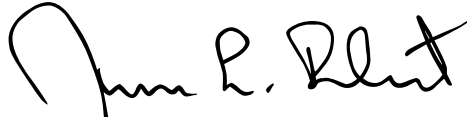
On April 7, 2005, the court received Plaintiff's fifth motion for summary judgment (Dkt. # 11) and Plaintiff's "Rebuttal to Order" (Dkt. # 12). The court DENIES Plaintiff's motion for summary judgment for the same reason it has denied all her previous motions. See Orders, Dkt. # 4 (Feb. 22, 2005), Dkt. # 6 (Mar. 6, 2005), Dkt. # 8 (Mar. 21, 2005), Dkt. # 10 (Apr. 1, 2005). Plaintiff has failed to effect proper service of the complaint under Fed. R. Civ. P. 4(i) and failed to bring forth "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any" demonstrating that there is no genuine issue as to any material fact and that she is entitled to judgment as a matter of law. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986) (quoting Fed. R. Civ. P. 56(c)).

The court construes Plaintiff's "Rebuttal" as a motion for reconsideration and denies it for failure to show "manifest error in the prior ruling" or "new facts or legal

1 authority which could not have been brought to its attention earlier with reasonable
2 diligence.” Local Rules W.D. Wash. 7(h).¹

3 Plaintiff has failed to abide by the court’s previous orders requiring her to refrain
4 from filing any further motions for summary judgment without first serving the required
5 parties. Orders, Dkt. ## 8, 10. Given Plaintiff’s failure to abide by the court’s orders and
6 the Federal Rules of Civil Procedure (including a warning from the court that continued
7 disobedience may result in dismissal),² the court DISMISSES Plaintiff’s case without
8 prejudice under Fed. R. Civ. P. 41(b).

9 Dated this 11th day of April, 2005.

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12 JAMES L. ROBART
13 United States District Judge
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24 ¹ Although Plaintiff continues to maintain that the Honorable Monica J. Benton, United
25 States Magistrate Judge for the Western District of Washington, is the judge assigned to her case,
26 she is incorrect. In this District, discrimination claims such as Plaintiff’s are handled by United
27 States District Judges.

28 ²The court previously warned Plaintiff that “[f]ailure to comply further with the court’s
orders may result in dismissal of Plaintiff’s case.” Order at 1, Dkt. # 10.